

1 Hon. Marsha Pechman
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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 PATRICK CALLIARI, individually and
11 as Representative of the Former
Shareholders of GCI Investments Inc., a
Washington corporation,

12 Plaintiff,

13 v.
14 SARGENTO FOODS INC.,

15 Defendant/
16 Counterclaim
17 Plaintiff,

18 v.
19 PATRICK C. CALLIARI, FLORA
DAMASIO, ANTOINNE IOANNIDES,
20 ANDREAS IOANNIDES, GAYLE K.
GOODRICH, GILLIAN OLSON,
RICHARD J. OLSON, and BETTY
21 CROUSE,

22 Counterclaim
23 Defendants.

No. 2:08-CV-1111MJP
(Consolidated with 2:08-CV-1112MJP)

DECLARATION OF KARL LINCK IN
SUPPORT OF SARGENTO FOODS
INC.'S OPPOSITION TO MOTION
FOR PARTIAL SUMMARY
JUDGMENT ON CLAIMS RELATED
TO DAIRY LAWS AND
REGULATIONS

**Noted on Motion Calendar:
Friday, August 28, 2009**

**ORDER ON MOTION TO SEAL
PENDING**

24 I, KARL LINCK, declare under penalty of perjury under the laws of the State of
25 Wisconsin and the United States of America, that the following statements are to the best
26 of my knowledge true and correct:

DECL. OF K. LINCK IN SUPP. OF OPP. TO MOT. FOR
PART. SUMM. J. ON CLAIMS RE DAIRY LAWS AND
REGS (No. 2:08-CV-1111MJP) – Page 1

LAW OFFICES OF
MCNAUL EBEL NAWROT & HELGREN PLLC
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(206) 467-1816

1. I am currently the Vice President Engineering of Sargento Foods Inc., based in Plymouth, Wisconsin. If called to testify, I could and would testify to the facts stated herein.

2. Portionables did not notify Sargento management of the United States Department of Agriculture’s (“USDA”) October 12, 2007, inspection of Portionables’ South Dakota plant until April 2008. Portionables did not do anything in response to the USDA inspection report before the South Dakota Department of Agriculture (“SDDA”) became involved in 2008.

3. The equipment at Portionables' South Dakota plant before the acquisition was in all material respects the same equipment that was inspected and found deficient by USDA and SDDA officials in 2007 and 2008.

DATED this 24th day of August, 2009, at Plymouth, Wisconsin.

Karl Linck
KARL LINCK

CERTIFICATE OF SERVICE

I certify that on August 24, 2009, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following persons:

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DATED this 24th day of August, 2009.

By: s/ David A. Linehan
David A. Linehan, WSBA No. 34281

DECL. OF K. LINCK IN SUPP. OF OPP. TO MOT. FOR
PART. SUMM. J. ON CLAIMS RE DAIRY LAWS AND
REGS (No. 2:08-CV-1111MJP) – Page 3

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